

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	
)	
v.)	05 CR 254-2
)	
Hossein Obaei,)	
)	
Defendant.)	

MEMORANDUM ORDER

Counsel for co-defendant Hossein Obaei ("Obaei") has filed a written Response to the government's Santiago proffer together with a motion for trial severance from co-defendant Amir Hosseini. Because counsel for the government and for both defendants have agreed that this Court should defer ruling on their numerous motions in limine until the voir dire conference scheduled for January 5, and because the potential for severance could require major changes in trial preparation, this Court rules on the severance motion now, while deferring its more detailed statement of reasons to the January 5 voir dire conference.

Nothing in Obaei's motion justifies severing the defendants for trial purposes. From the extensive Santiago proffer it is clear that there is more than adequate linkage of the two defendants to support the normal rule calling for joinder pursuant to Fed.R.Crim.P. 8(b). As for any lack of total identity of defendants' activities in furtherance of the charged

conspiracy, as well as any possible inadmissibility of evidence as to either defendant that is admissible against the other, those matters can readily be handled by appropriate instructions to the jury, both during the trial and as part of the final jury instructions. Accordingly Obaei's motion for severance is denied, with his response to the Santiago proffer being deferred to the time of the voir dire conference, when all motions in limine will be addressed.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: December 27, 2006

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